

of Okuda is directed to a method, there must also, necessarily, be some sort of apparatus associated with the method to perform the method; and that regarding the issue of “thermal energy” in Claims 7 and 17, a laser is a form of thermal energy and, therefore, the laser of Okuda anticipates the “thermal” energy limitation.

Claims 1, 7, 10, 23, and 24 have been rejected under 35 U.S.C. §102(e) as being anticipated by Constantinou et al., U.S. Patent Application No. 2003/0174616A1 (“Constantinou”). The Examiner maintains that Constantinou discloses a compact disc that incorporates a security device for preventing non-authorized reading of the date carried by the disc, and that Constantinou anticipates the method of destroying or disabling the device by focusing laser energy (also inherently “thermal energy”) at a point to cause the first and second layers to separate from each other (see pp. [0031-0034]).

Claims 1, 7, 10, 11, 15, 17, 20, and 24-26 have been rejected under 35 U.S.C. §102(a) as being anticipated by Feehan et al., U.S. Patent Application No. 2004/0125722 (“Feehan”). The Examiner maintains that Feehan discloses both a method and an apparatus for destructing an optical disc, including but not limited to DVD’s, the method and apparatus utilize either laser energy focused at a point or thermal energy to cause separation, or destruction of the layers (see paragraph [0059]), and the information or storage device can be rotated on the apparatus.

Applicants respectfully traverse the above rejections.

The invention herein concerns a method for destroying or disabling an information or data storage device comprising two layers bonded together. Thermal energy, for example, laser energy, is used to cause the layers to separate from each other.

Claims herein have been rejected as being unpatentable over Okuda, Constantinou, or Feehan. Okuda discloses the use of a laser to remove magnetic information from an information containing layer. However, there is no suggestion or disclosure that the laser causes layers to separate. Thus, Okuda does not disclose Applicants' invention.

Constantinou discloses a compact disc that incorporates a security device, where a laser, among other things can remove the security device. There is no disclosure that the laser causes layers to separate. To the contrary, Constantinou discloses at [0032] that "... the CD is not 'destroyed' in a visually noticeable manner." Clearly Constantinou does not disclose Applicants' invention.

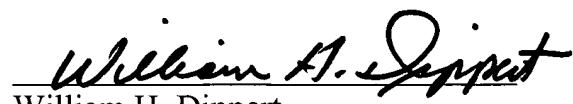
Feehan discloses a method and apparatus to render an optical disc unplayable. A predetermined area, i.e., a "Table of Contents" (TOC), is altered by a laser or other means. Destruction of the TOC makes the disc unplayable. However there is no disclosure that layers are separated, and thus no disclosure of Applicants' invention.

Each of the references cited by the Examiner is deficient in not teaching the use of thermal energy such as a laser to separate layers. Therefore, each rejection under § 102(a), § 102(b), or § 102(e) should be withdrawn.

Reconsideration and allowance of all the claims herein are respectfully requested.

Respectfully submitted,

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